

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-47-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, and -40 Series Airplanes, and Model KC-10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10-10, -15, -30, and -40 series airplanes, and Model KC-10A (military) airplanes. This proposal would require inspection(s) to detect cracks of the attach bolts of the front spar support fitting of each wing. This proposal would also require replacement of attach bolts of the front spar support fitting of the wing with corrosion-resistant attach bolts. This proposal is prompted by a report of failure of the attach bolts of the front spar fitting as a result of corrosion pitting. The actions specified by the proposed AD are intended to prevent such stress corrosion failure, which could lead to the failure of the attach bolts of the front spar; this situation could result in reduced structural integrity of the wing.

DATES: Comments must be received by October 25, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-47-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT:

John Cecil, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (310) 627-5322; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-47-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-47-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has reviewed a report of failure of the attach bolts of the front spar fitting on a Model DC-10 series airplane that had accumulated 59,655 total flight hours and 22,271 total flight cycles. Investigation revealed that the cause of such a failure has been attributed to corrosion pitting that penetrated the protective plating. The effects of such stress corrosion failure could lead to the failure of the attach bolts of the front spar. This condition, if not detected and corrected in a timely manner, could result in reduced structural integrity of the wing.

The FAA has received and approved McDonnell Douglas DC-10 Service Bulletin 57-126, dated October 30, 1992, which describes procedures for ultrasonic inspection(s) to detect cracks of the attach bolts of the front spar support fitting of each wing and replacement of cracked attach bolts. This service bulletin also describes procedures for replacement of all six attach bolts of the front spar support fitting of each wing with corrosion resistant attach bolts, in lieu of the repetitive ultrasonic inspections, if no cracks are detected. The service bulletin recommends that such replacement of the attach bolts be accomplished within 7 years.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require ultrasonic inspection(s) to detect cracks of the attach bolts of the front spar support fitting of each wing, and replacement of cracked attach bolts. This proposed AD would also require replacement of attach bolts of the front spar support fitting of the wing with corrosion resistant attach bolts, in lieu of the repetitive ultrasonic inspections, if no cracks are detected. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that certain actions proposed by this rule would differ from the procedures

recommended in the referenced McDonnell Douglas service bulletin. Specifically, the proposed rule would not require replacement of all six attach bolts on each wing, if no cracks are detected (Condition 1, Option II), at the 7-year compliance time recommended in the service bulletin. Instead, this proposed rule would require, within 5 years after the effective date of the final rule, replacement of a minimum of five of the attach bolts of the front spar support fitting on each wing with corrosion-resistant attach bolts, if no cracks are detected. This proposed rule would also require, at the next pylon removal, replacement of the remaining one attach bolt of the front spar support fitting on each wing.

In developing an appropriate compliance time for this AD action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation as to an appropriate compliance time, the availability of required parts, and the practical aspect of installing the required modification within an interval of time that parallels regularly scheduled maintenance for the majority of affected operators. The FAA points out that the parts required for the attach bolt replacement are readily available; therefore, obtaining them within the 5 year proposed compliance time should not pose a problem for any affected operator.

Further, the FAA reviewed an analysis submitted by the manufacturer and determined that the ultimate strength of the front spar support fitting is adequate with any combination of five attach bolts. The FAA also determined that one of the six attach bolts can only be accessed by removal of the engine/pylon assembly. Therefore, the FAA finds that "the next pylon removal" is an appropriate compliance time for accomplishing the replacement of that one particular attach bolt.

There are approximately 420 Model DC-10-10, -15, -30, and -40 series airplanes, and Model KC-10A (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 237 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$43,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$10,276,320, or \$43,360 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory regulation evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 95-NM-47-AD.

Applicability: Model DC-10-10, -15, -30, and -40 series airplanes, and Model KC-10A (military) airplanes; as listed in McDonnell Douglas DC-10 Service Bulletin 57-126, dated October 30, 1992; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing, accomplish the following:

(a) Within 18 months after the effective date of this AD, perform an ultrasonic inspection to detect cracks in the 6 attach bolts of the front spar support fitting of each wing, in accordance with McDonnell Douglas DC-10 Service Bulletin 57-126, dated October 30, 1992.

(b) If no crack is detected during the inspection required by paragraph (a) of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD.

(1) Repeat the ultrasonic inspection thereafter at intervals not to exceed 18 months until the procedures required by paragraph (b)(2) of this AD is accomplished; and

(2) Within 5 years after the effective date of this AD, replace a minimum of 5 of the attach bolts of the front spar support fitting on each wing with corrosion-resistant attach bolts, in accordance with the service bulletin. At the next pylon removal after the replacement, replace the remaining 1 attach bolt of the front spar support fitting on each wing. Accomplishment of the replacement constitutes terminating action for the repetitive inspection requirements of this AD for that attach bolt.

(c) If any crack is detected during the inspection required by paragraph (a) or (b)(1) of this AD, prior to further flight, replace the cracked attach bolt with a corrosion-resistant attach bolt, in accordance with the service bulletin. Accomplishment of such replacement constitutes terminating action for the repetitive inspection requirements of this AD for that attach bolt.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 24, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-21490 Filed 8-29-95; 8:45 am]

BILLING CODE 4910-13-M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960-AD90

Evidence of Lawful Admission for Permanent Residence in the United States (U.S.)

AGENCY: Social Security Administration.
ACTION: Proposed rule.

SUMMARY: This proposed regulation sets forth the type of documentation required for an alien to establish the status of lawfully admitted for permanent residence for eligibility purposes under the Supplemental Security Income (SSI) program. The Immigration and Naturalization Service (INS), the Agency responsible for determining alien status and issuing documents certifying alien status in the U.S., is changing its policy with regard to what constitutes definitive evidence of lawful permanent resident alien status. In this proposed SSI regulation, we are removing references to specific INS form numbers and substituting a general reference to an Alien Registration Receipt Card issued under current INS regulations. Thus, SSA's regulations will be broad enough not only to be consistent with the new INS policy when it becomes operational, but also to accommodate future INS regulatory changes regarding acceptable documentary evidence of lawful permanent resident alien status. In the future, SSA will not have to revise its regulations to conform to changes in INS policy unless the form name changes. Historically, the form name has remained the same.

DATES: To be sure that your comments are considered, we must receive them no later than October 30, 1995.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830, sent by E-

Mail to "regulations@ssa.gov," or delivered to the Division of Regulations and Rulings, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below. If you have any comments or suggestions on the estimate shown for the Paperwork Reduction Act, write to the Social Security Administration, ATTN: Reports Clearance Officer, 1-A-21 Operations Building, Baltimore, MD 21235, and to the Office of Management and Budget, Paperwork Reduction Project (0960-0451), Washington, D.C. 20503.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9 a.m. on the date of publication in the **Federal Register**. To download the file, modem dial (202) 512-1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1713.

SUPPLEMENTARY INFORMATION: To be eligible for SSI benefits, an individual must be either a citizen or national of the U.S. or an alien lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law. Our regulation at § 416.1615(a)(1) sets forth the types of alien registration documents issued by INS which constitute valid evidence of lawful permanent residence status.

INS is responsible for determining alien status and issuing documents certifying alien status within the U.S. INS does, when necessary, revise its regulations specifying acceptable documentation of alien status.

Aliens who are lawfully admitted for permanent residence and who apply for SSI benefits are required to submit evidence of lawful permanent residence status to be eligible for benefits. Such evidence must be a valid document issued by INS under current INS policy.

On September 20, 1993, INS published a final rule at 58 FR 48775 to terminate the validity of several older versions of the Alien Registration Receipt Card and to establish the Alien Registration Receipt Card, I-551, as the exclusive alien registration card for the use of permanent resident aliens. This

INS rule originally was to have been effective on September 20, 1994. However, INS subsequently published two notices in the **Federal Register** (on September 14, 1994 at 59 FR 47063 and on March 17, 1995 at 60 FR 14353, to delay the effective date of this rule. The rule is now scheduled to become effective on March 20, 1996. As a result of the INS regulatory change, lawful permanent resident aliens must replace previously issued obsolete forms, such as the I-151, AR-3, AR-3a and AR-103, with the current Alien Registration Receipt Card, Form I-551 by March 20, 1996.

SSA's current regulation on evidence of lawful permanent resident status specifies the form numbers of all currently acceptable versions of the INS Alien Registration Receipt Card. Thus, any INS policy which changes acceptable documentation of alien status, such as the change presently effective March 20, 1996, requires SSA to revise its regulation to conform to those changes. We want to ensure that our regulation not only reflects current INS policy on alien status documentation but is broad enough to encompass changes INS might make in the future.

Therefore, in this proposed regulation, we are removing references in § 416.1615(a)(1) to specific INS form numbers which will be obsolete as of the effective date of INS' new regulatory change, and substituting a single reference to the Alien Registration Receipt Card issued under current INS regulations. As revised, our regulation simply indicates that the individual must submit an Alien Registration Receipt Card which is issued by INS in accordance with that Agency's current regulations.

Regulatory Procedures

Regulatory Flexibility Act

We certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities because it only affects individuals who claim benefits under title XVI of the Social Security Act. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this proposed rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, it was not subject to OMB review.